

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

David Andrew Coil,

Case No. 2:24-cv-00304-RFB-DJA

Plaintiff,

Order

V.

Craig Mueller, et al.,

Defendants.

Plaintiff, an inmate at the Ely State Prison, is proceeding in this action *pro se* and *in forma pauperis*. Plaintiff has filed an amended complaint (ECF No. 13) and two addenda to that complaint (ECF Nos. 14, 15). Because Plaintiff's amended complaint is not complete in itself, the Court dismisses it without prejudice.

Plaintiff may not use addenda to supplement prior complaints. Instead, his amended complaint must be complete in itself without reference to any prior complaint. This is because, as a general rule, an amended complaint supersedes (replaces) the original complaint and renders prior complaints without legal effect. *Exeltis USA, Inc. v. First Databank, Inc.*, 779 F. App'x 486, 487 (9th Cir. 2019). This means that Plaintiff's addenda (ECF Nos. 14 and 15) have superseded his amended complaint, making the addendum filed at ECF No. 15 the operative amended complaint. And if the case were to proceed on that addendum, it would mean that Plaintiff has abandoned his claims because he alleges no causes of action in that addendum.

Because it does not appear that it is Plaintiff's intent to abandon his claims, the Court will dismiss his amended complaint and addenda without prejudice and with leave to amend. If Plaintiff chooses to amend his complaint, Plaintiff must file a renewed amended complaint that includes *all* Defendants, *all* claims, and *all* exhibits. That amended complaint must be complete in itself. Plaintiff may not refer to his original complaint (ECF No. 1-1), his first amended

1 complaint (ECF No. 13), or his addenda (ECF Nos. 14, 15) to make his amended complaint
2 complete.

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4 **IT IS THEREFORE ORDERED** that Plaintiff's amended complaint (ECF No. 13) and
5 addenda (ECF Nos. 14, 15) are **dismissed without prejudice and with leave to amend**. Plaintiff
6 will have until **October 28, 2024** to file an amended complaint. If Plaintiff chooses to amend the
7 complaint, Plaintiff is informed that the Court cannot refer to a prior pleading (i.e., the original
8 complaint) to make the amended complaint complete. This is because, generally, an amended
9 complaint supersedes the original complaint. Local Rule 15-1(a) requires that an amended
10 complaint be complete without reference to any prior pleading. Once a plaintiff files an amended
11 complaint, the original complaint no longer serves any function in the case. Therefore, in an
12 amended complaint, as in an original complaint, each claim and the involvement of each
13 Defendant must be sufficiently alleged. **Failure to comply with this order will result in the**
14 **recommended dismissal of this case**. The Clerk of Court is kindly directed to send Plaintiff a
15 copy of this order.

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DATED: September 27, 2024

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DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

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